

## **GOP faults Democrats on prison overcrowding**

**Hearings delayed so courts will take over system, lawmakers charge**

**By Andy Furillo - Bee Capitol Bureau**

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Legislative Republicans accused Democrats on Monday of delaying action on prison construction in the hope that the federal courts will engage in "a complete takeover" of California's correctional system.

In a press conference outside Folsom State Prison, GOP members said they will fight for Gov. Arnold Schwarzenegger's bid to add tens of thousands of new beds to the state and local correctional systems as the best way to solve the prisons' overcrowding emergency.

They said they would oppose any sentencing commission proposal that looks to them like it would result in early releases. They also decried court-ordered spending on prison health care as an "unaccountable" intrusion into legislative spending prerogatives.

Assembly Republican leader Mike Villines said his party sees an opening on the prison issue to make political inroads in a Legislature dominated in both houses by Democratic majorities. He said Republicans are "right where Californians want us to be" on prison issues in opposing early releases of inmates and supporting policies that keep "bad people" locked up.

"This is one issue that I think is incumbent on us to drive," Villines said in an interview. "If we don't drive this, nothing is going to happen."

With some 172,000 inmates in its custody, the California Department of Corrections and Rehabilitation is crowded to nearly twice its designed capacity.

Eight class-action lawsuits currently control a huge swath of the state prison system, with the entire adult medical delivery operation placed under the control of a federal court-appointed receiver. U.S. District Judge Lawrence Karlton in Sacramento, meanwhile, has given the state until June 4 to solve its overcrowding problem or he will take steps to impose a population cap.

Todd Spitzer, a Republican Assemblyman from Orange and the co-chair of Schwarzenegger's select committee on high risk sex offenders, led the partisan attack on Democratic legislators. Spitzer said he was angry that Assembly Democrats failed to act on Schwarzenegger's prison construction plan during last year's special session and that there's been no movement by the Democratic leadership yet on the governor's pending construction plan. His \$10.9 billion proposal would create space for 83,000 prison, jail and juvenile beds at the state and local levels.

"We absolutely believe unequivocally the reason we have had no hearings is because the Democrats want, are committed and are dedicated to a complete takeover by the federal courts of the operations of our prison system," Spitzer said, with the two dozen GOP members standing behind him before embarking on a tour of the prison.

Two Democratic proposals to create a state sentencing commission attracted a good chunk of the Republican heat Monday.

The commission as envisioned by the Democrats would gather data on state sentencing policies and propose guidelines that would regulate the inflow of inmates into the state system in the event of space shortages. Schwarzenegger, meanwhile, also wants to form a commission for the immediate purpose of studying a direct discharge policy for as many as 24,000 lower-risk prison parolees.

The Democrats have strongly denied Republican charges that a sentencing commission would serve as a vehicle for early releases. Assemblywoman Sally Lieber, D-Mountain View, characterized the Republican press conference outside the prison Monday as "political posturing."

"The experts and those who have looked at sentencing commissions, including former Republican governors of our state, say it is something that is needed, that California may well be undersentencing some criminals in addition to oversentencing others," said Lieber, who is the author of Assembly Bill 160, which would enact a sentencing commission.

Assembly Speaker Fabian Núñez, D-Los Angeles, released a statement saying he was "disappointed" with what he called Republican "finger-pointing." Núñez added that Democrats are "not about to let the federal government take over our corrections system."

Schwarzenegger also put out a statement applauding the Republicans for supporting his proposals to build more prisons and jails. He added that he agrees with the GOP members "that we must do everything possible to prevent the early release of dangerous criminals."